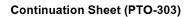
## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/765,146	SACRIPANTE ET AL.		
Examiner	Art Unit		

	Megan McCulley	1796		
The MAILING DATE of this communication appe	ars on the cover sheet with the c	correspondence add	ress	
THE REPLY FILED 10/7/2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.				
1.  The reply was filed after a final rejection, but prior to or on application, applicant must timely file one of the following rapplication in condition for allowance; (2) a Notice of Apple for Continued Examination (RCE) in compliance with 37 C periods:	eplies: (1) an amendment, affidavi al (with appeal fee) in compliance	t, or other evidence, w with 37 CFR 41.31; or	hich places the (3) a Request	
<ul> <li>a) The period for reply expiresmonths from the mailing</li> <li>b) The period for reply expires on: (1) the mailing date of this Ac</li> </ul>		in the final rejection, whic	chever is later. In	
no event, however, will the statutory period for reply expire la Examiner Note: If box 1 is checked, check either box (a) or (I MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f	ter than SIX MONTHS from the mailing b). ONLY CHECK BOX (b) WHEN THE ).	g date of the final rejectio FIRST REPLY WAS FIL	n. .ED WITHIN TWO	
Extensions of time may be obtained under 37 CFR 1.136(a). The date of have been filed is the date for purposes of determining the period of extra under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the siset forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL	ension and the corresponding amount on the corresponding amount of the corresponding a	of the fee. The appropria nally set in the final Offic	te extension fee e action; or (2) as	
<ol> <li>The Notice of Appeal was filed on A brief in compl filing the Notice of Appeal (37 CFR 41.37(a)), or any exten Notice of Appeal has been filed, any reply must be filed wind AMENDMENTS</li> </ol>	sion thereof (37 CFR 41.37(e)), to	avoid dismissal of the		
3. The proposed amendment(s) filed after a final rejection, b	ut prior to the date of filing a brief.	will not be entered be	cause	
(a) They raise new issues that would require further con (b) They raise the issue of new matter (see NOTE below	sideration and/or search (see NO			
(c) They are not deemed to place the application in bett appeal; and/or	•	ducing or simplifying th	ne issues for	
(d) ☐ They present additional claims without canceling a c	orresponding number of finally reje	ected claims.		
NOTE: (See 37 CFR 1.116 and 41.33(a)).				
4. The amendments are not in compliance with 37 CFR 1.12		•	PTOL-324).	
5. Applicant's reply has overcome the following rejection(s):			t concoling the	
6. Newly proposed or amended claim(s) would be allowed non-allowable claim(s).		•	_	
7.  For purposes of appeal, the proposed amendment(s): a) [ how the new or amended claims would be rejected is prov The status of the claim(s) is (or will be) as follows: Claim(s) allowed: <u>none</u> .		l be entered and an ex	planation of	
Claim(s) objected to: <u>none</u> . Claim(s) rejected: <u>1,3,5-7,10,11,13-21 and 23-38</u> .				
Claim(s) withdrawn from consideration: <u>17-20 and 24-29</u> . AFFIDAVIT OR OTHER EVIDENCE				
<ol> <li>The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good and was not earlier presented. See 37 CFR 1.116(e).</li> </ol>				
9. The affidavit or other evidence filed after the date of filing a entered because the affidavit or other evidence failed to of showing a good and sufficient reasons why it is necessary	vercome <u>all</u> rejections under appea	al and/or appellant fails	s to provide a	
10. ☐ The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER	of the status of the claims after er	ntry is below or attache	ed.	
11. The request for reconsideration has been considered but	does NOT place the application in	condition for allowand	ce because:	
12. ☐ Note the attached Information <i>Disclosure Statement</i> (s). (13. ☑ Other: see attached response to arguments.	PTO/SB/08) Paper No(s)			
/Mark Eashoo/ Supervisory Patent Examiner, Art Unit 1796	/M. M./ Examiner, Art Unit 1796			



Application No.